

Notice of Allowability

Application No.

09/549,370

Examiner

Matthew S. Gart

Applicant(s)

BRADER-ARAJE ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiners Amendment and Brief on Appeal (3/26/2007).
2. ☒ The allowed claim(s) is/are 1-2,4-6,8-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/5/7
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Needham James Boddie, II (Ph. 919-854-1400) on June 5th, 2007.

The application has been amended as follows:

In the Title

The title has been changed to read as follows:

--Methods of updating auction information maintained at an intermediary web site--

In the Claims

In claim 1, line 3: Add the word --updated-- before the word "information."

In claim 4, line 4: Add the word --updated-- before the word "information."

In claim 6, line 3: Add the word --updated-- before the word "information."

Cancel claims 54-58.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

Referring to independent claims 1, 4 and 6.

Claims 1, 4 and 6 disclose a method of updating information maintained at an intermediary web site on a computer network about items being auctioned at a plurality of remotely located auction sites on the computer network, wherein the updated information is displayable to users accessing the intermediary web site via the computer network.

The most remarkable prior art of record is to Srinivasan (U.S. Patent No. 7,047,210). Srinivasan teaches a method for auctioning a product on a computer network utilizing an auction site computer having an auction site and a scan site computer having a scan site. In particular, Srinivasan states that the scan site (the identified "intermediary web site") may notify a buyer using electronic mail upon determining that a product that closely matches a desired product has been put up for auction (Srinivasan: column 3, line 65 to column 4, line 18). This e-mail notification does not clearly anticipate or reasonable teach a method, wherein the updated information is displayable to users accessing the intermediary web site. Moreover, it is observed that no other portion of Srinivasan, nor any other reference of record, either alone or in combination with any other reference of record cures this deficiency.

Art Unit: 3625

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER COMMENTS

In view of Applicant's Brief on Appeal under 37 C.F.R. 41.37 submitted on 3/26/2007 and the attached Examiner's Amendment, the finality of the rejection of the last Office action is withdrawn, and the claims have been determined to be allowable.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
AU 3625


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600